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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 JOHN D. VILLA, JR.,

11 Plaintiff,

12 vs.

13 LINDA ROWE; JENNIFER SWINEY;
14 BHAWNA JAIN,

15 Defendants.
16

No.: C07-01436 WHA

~~PROPOSED~~ WRIT OF HABEAS CORPUS
AD TESTIFICANDUM AND VACATING
HEARING

Date: February 2, 2012
Time: 8:00 a.m.

Trial Date: February 21, 2012
Time: 7:30 a.m.
Place: Courtroom 9
Judge: Hon. William Alsup

REED SMITH LLP
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1 John Daniel Villa, Jr., inmate no. J-38001, a necessary and material party in the proceedings
 2 in this case, is confined currently in Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe,
 3 California, 92226 and will be transferred to San Quentin State Prison, San Quentin, CA 94964 for
 4 trial set for February 21, 2012. Mr. Villa is a validated former gang member and the California
 5 Department of Corrections and Rehabilitation has classified him as a Sensitive Needs Yard inmate.
 6 It is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Wardens of
 7 Ironwood State Prison and San Quentin State Prison to produce Mr. Villa in San Quentin State
 8 Prison at a time before trial, which is tentatively scheduled to begin February 21, 2012.

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 10 Thus, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the
 11 Warden of Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California, 92226 to transport
 12 Mr. Villa to San Quentin, California 94964 after his parole hearing at Ironwood State Prison set for
 13 February 17, 2012 in time before trial, which is scheduled to begin February 21, 2012. It is also
 14 necessary that an order issue that the CDCR is to transport Mr. Villa from Ironwood to San Quentin
 15 and to return him, for purposes of his trial date of February 21, 2012, on a bus, or other suitable
 16 vehicle, with all necessary security, as deemed required by CDCR.

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 19 Thus, it is also necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding
 20 the Warden of San Quentin to produce Mr. Villa before this court, Courtroom 8, 19th Floor, United
 21 States Courthouse, 450 Golden Gate Ave., San Francisco, California 94102 on February 21, 2012 at
 22 7:30 a.m., and each day thereafter through the duration of his trial.

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 25 Accordingly, **IT IS ORDERED** that:

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 27 1. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court,
 28 commanding the Warden of Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California,

1 92226 to transport Mr. Villa to San Quentin, California 94964 after his parole hearing at Ironwood
2 State Prison set for February 17, 2012 in time before trial, which is scheduled to begin February 21,
3 2012;

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5 2. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court,
6 commanding the Warden of San Quentin State Prison, San Quentin, CA 94964, to produce the
7 inmate before this court, Courtroom 8, 19th Floor, United States Courthouse, 450 Golden Gate Ave.,
8 San Francisco, California 94102, no sooner than February 21, 2012 , 7:30 a.m. and from day to day
9 as advised by the Court and the parties until the completion of court proceedings as ordered by the
10 Court under the custody of the Federal Marshal;

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13 4. It is further ordered that Mr. Villa's security designation(s) must stay in place at all
14 times while he is located or housed at Ironwood State Prison, San Quentin State Prison, the U.S.
15 District Court for the Northern District of California, and any other facility or location it is necessary
16 to take Mr. Villa in order to implement this writ. The relevant authorities shall provide all the
17 necessary security to house and transport Mr. Villa safely and securely, including during his
18 transportation to and from San Quentin or upon his return to Ironwood State Prison, Blythe,
19 California 92226;

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22 5. The Clerk of Court is ordered to serve a courtesy copy of this order and Writ of
23 Habeas Ad Testificandum on the Out To Court Desks of Ironwood State Prison, A1-249, P.O. BOX
24 2199, Blythe, California, 92226 and San Quentin State Prison, San Quentin, CA 94964;

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27 6. Upon completion of the trial in this civil rights action, and upon satisfaction of this
28 writ by the Court, the United States Federal Marshal return John D. Villa, Jr. to State Officers so that

1 they may return him to Ironwood State Prison under safe and secure conduct;

2
3 7. San Quentin State Prison, Ironwood State Prison, the Sheriff's Department, the United
4 States Marshal, and the United States Bureau of Prisons shall each bear their respective costs of
5 implementation of the terms of this writ and that the United States Marshal shall provide all
6 necessary security for the custody of John D. Villa, Jr., so long as he is in the temporary custody of
7 the Court.
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9
10 I **COMMAND** you to produce the inmate named above to appear before the United States
11 District Court at the time and place named above; and thereafter to return the inmate to the above
12 institution.
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14 Further, you are **ORDERED** to notify the Court of any change of custody of the inmate and to
15 provide the new custodian with a copy of this writ.
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18 The hearing set for February 2, 2012, is hereby **VACATED**.

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20 DATED: February 1, 2012.



21
22 William Alsup
23 UNITED STATES DISTRICT JUDGE
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